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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Glenn Peterson and Michelle Jones	Examiner:	Tuan N. Nguyen
Serial Number:	10/705,468	Group Art Unit:	3751
Filed:	November 20, 2003	Attorney Docket No:	TSI003
Title:	Extended Transfer Platform		

Response to Restriction Requirement

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This is in response to the Restriction Requirement mailed June 27, 2005. The Requirement instructed Applicants to elect one of the inventions described by:

- I. Claims 1-4, drawn to a transfer platform, or
- II. Claims 5-7, drawn to a method of using a transfer platform to enable a physically challenged individual to be more easily moved from a bed or wheelchair to a patient-assistance device.

Applicants provisionally elect Group I (Claims 1-4) with traverse, and respectfully request reconsideration of the requirement for restriction. The inventions are related as product and process of use. MPEP §803 states that there are two criteria for proper requirement for election of inventions under a restriction requirement, those criteria being: (1) that the inventions are independent or distinct as claimed; and (2) that there must be a serious burden on the examiner if restriction is required. "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or

distinct inventions.” (MPEP §803, paragraph 2.) Applicants believe that the transfer platform and method are sufficiently related so that an examination of the two sets of claims can be made without serious burden.

According to MPEP §802.01, independent “means that there is no disclosed relationship between the two or more subjects disclosed, that is, they are unconnected in design, operation, or effect.” One example offered in §802.01 is that of a “process and apparatus *incapable of being used in practicing the process.*” In the present instance, although the transfer platform recited by Claims 1-4 may arguably be used in the practice of other methods, it is certainly not incapable of being used in the method of Claims 5-7 and the Examiner has stated that the inventions of Groups I and II are “related as product and process of use.”

MPEP §808.02 states that if inventions are considered by the Examiner to be distinct, the Examiner must show by appropriate explanation that the inventions: (1) require separate classification and field of search; (2) have a separate status in the art; or (3) require a different field of search. The Examiner has indicated that the transfer platform of Claims 1-4 can be used in a materially different process from that described by Claims 5-7. Such a materially different process is not at issue in the present set of claims, however, and a materially different process is not required to be separately classified and searched in the examination of the present application. The transfer platform is the subject of Claims 1-4, and a method of use of a transfer platform such as that described by Claims 1-4 is the subject of Claims 5-7. To qualify as having “separate status in the art,” MPEP §808.02 indicates that each subject should be “shown to have

formed a separate subject for inventive effort,” which is generally not the case with a device and a method for which the device is intended to be used.

Applicants understand that election of Claims 1-4 has the effect, under 37 CFR 1.142, of withdrawing the claims from further consideration by the examiner, subject to reinstatement in the event that the requirement for restriction is withdrawn. Applicants also understand that the subject matter of the non-elected claims may, if necessary, be pursued in a divisional patent application under 35 USC §121.

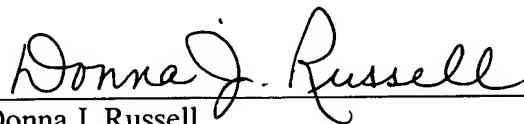
Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 27th day of July, 2005.


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